

REMARKS

Preliminary Remarks:

Upon entry of this Amendment, claims 1 to 3, 5 to 12, and 14 to 22 will be pending of which claim 1 is independent. Claim 4 is cancelled without prejudice to, or disclaimer of, the underlying subject matter and incorporated into claim 1. Claims 2, 3, and 5 are amended to better correspond to U.S. patent practice. Claim 13 was previously cancelled. Claims 17 and 19 to 22 were withdrawn. Support for the claim amendments may be found throughout the specification as filed. Therefore, no new matter is added.

Applicants thank the Examiner for the indication of allowable subject matter in claims 4 and 5.

Applicants respectfully request entry of this Amendment under 37 C.F.R. § 1.116 in that it places the claims in better form for allowance or for consideration on appeal.

Restriction Requirement:

Applicants confirm their earlier election of Group I, claims 1 to 12, 14 to 16, and 18.

Claim Rejections:

Rejection under 35 U.S.C. § 112, second paragraph

Claims 2 and 3 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for lacking antecedent basis for the term “the base containing carbon”. Claims 2 and 3 are amended to delete the term “containing carbon” (the term “base” has proper antecedent basis in claim 1). Applicants respectfully submit that this rejection is moot as a result of the amendments to claims 2 and 3 and respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. § 103

Claims 1 to 3, 6 to 10, 14 to 16, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Katoh *et al.* (U.S. Pat. No. 6,898,839) in view of Otani *et al.* (U.S. Pat. No. 7,067,951) and Gilson (U.S. Pat. No. 1,093,614). Applicants respectfully traverse.

Claim 1 is amended to incorporate the limitations of claim 4, which is cancelled without prejudice to, or disclaimer of, the underlying subject matter. The Examiner has indicated that claim 4 would be allowable if re-written in independent form. *Final Action* at page 5. Claims 2,

3, 6 to 10, 14 to 16, and 18 all ultimately depend from claim 1. Therefore, Applicants respectfully submit that claims 1 to 3, 6 to 10, 14 to 16, and 18 are not unpatentable over Katoh *et al.*, in view of Otani *et al.* and Gilson, and respectfully request withdrawal of this rejection.

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Katoh *et al.*, Otani *et al.*, Gilson, and further in view of Munday (U.S. Pat. No. 1,807,794). Applicants respectfully traverse.

Claim 11 is dependent on claim 1 and claim 12 is dependent on claim 11. As indicated previously, amended claim 1 is patentable over Katoh *et al.*, Otani *et al.*, and Gilson. Munday does not overcome any of the deficiencies of Katoh *et al.*, Otani *et al.*, or Gilson. Therefore, Applicants respectfully submit that claims 11 and 12 are not unpatentable over Katoh *et al.*, Otani *et al.*, Gilson, and Munday, and respectfully request withdrawal of this rejection.

Application Serial No.: 10/566,702
Inventor(s): Latz *et al.*
Attorney Docket No.: 2901653-000003

CONCLUSION

In view of the amendments and remarks above, Applicants respectfully submit that this application is in condition for allowance and request favorable action thereon. The Examiner is invited to contact the undersigned if any additional information is required.

As this response is filed within the shortened statutory period for reply, Applicants believe that no fee is due. If a fee is required, it may be charged to Deposit Account No. 50-4254, referencing Attorney Docket No. 2901653-000003.

Respectfully submitted,

BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, P.C.



Gautam Prakash, Ph.D.
Registration No.: 53,481
Direct Telephone No.: 202-508-3423

Susan E. Shaw McBee
Registration No. 39,294

Customer No.: **84331**

555 Eleventh Street, N.W.
Sixth Floor
Washington, DC 20004

Telephone: 202-508-3400
Facsimile: 202-508-3402